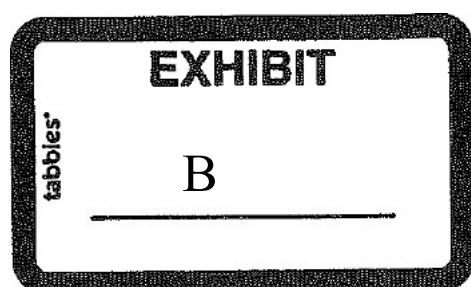


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
CINCINNATI, OH

I, Susan Shellenberger, pursuant to 28 U.S.C. §1746, declare under penalty of perjury as follows:

1. I have personal knowledge of the facts stated herein.
2. I am a volunteer investigator working for Plaintiff Ohio Justice and Policy Center (“OJPC”).
3. Prior to my volunteer work with OJPC, I worked for many years in the criminal legal system and corporate security. After 9/11, I became the General Electric (“GE”) Aviation Global Security Manager and was responsible for over 100 GE Aviation sites in the areas of investigations, event security, and workplace and domestic violence prevention and response. Additionally, I partnered with leadership and law enforcement to identify company mailroom risks and to establish mailroom protocols to mitigate risk. These protocols including the development of policies, procedures and a SOP for mailroom security which required minimum physical security standards, identification practices, training, communication and response protocols.



4. In 2014, I became a Senior Investigator with the GE Aviation Legal Operations department.
5. In 2022, I retired from GE and joined OJPC as a volunteer investigator. I have been working for OJPC since April 2022. In my capacity as an investigator, I assist OJPC attorneys by conducting factual investigations related to their cases, including by requesting records and meeting with clients. In my work with OJPC, I rely on my skills, experience, and expertise in investigations that I developed at GE.
6. On April 23, 2025, I visited the Lebanon Correctional Institution (“LeCI”) to view the legal mail processing procedures.
7. In this declaration, I will describe my general observations and summarize three specific instances where I witnessed incarcerated people’s legal mail being photocopied.

A. General Observations

8. LeCI photocopies incoming confidential legal mail.
9. I learned from Lt. Holley, who oversees the mailroom at LeCI, that all mail is initially screened in a different room. Legal mail is sorted from the rest of the mail. All mail is screened using a hood and drug-sniffing dogs.
10. A civilian staff member named Destiny was conducting the processing and photocopying of incoming legal mail.
11. The room where legal mail is copied has two rooms. The room where the mail is copied/shredded, has a door with an open window. This door is secured with a key lock (maintained by the mailroom staff member) When incarcerated people pick up their mail, they stand outside the door.

12. I estimate that the copier used to copy the legal mail is about 10 feet from this window. It is a small Toshiba copier. I estimate the copier is about four feet tall. Copies can be made by using the automatic feeder or opening the lid and laying the document on the glass top.
13. The shredder used for the legal mail is small. I estimate it is about a foot and a half wide and two feet tall. While it was not clear how many pages can be simultaneously shredded, the employee shredding the documents indicated only a few pages could be shredded at a time.
14. In general, the copying process included many instances where it was obvious that at least some of the legal mail was exposed and able to be read.
15. It would take Destiny only a few seconds to open a legal mail letter and remove the contents from the envelope. By contrast, it took several minutes for the photocopying procedure to be accomplished from beginning to end.
16. She would frequently fan pages out while looking at the pages.
17. When a paper jam occurred, Destiny took the pages out, flipped them over, and laid them to the side. When this occurred, I was standing several feet away and could read the front page as she held it up in full view of us.
18. Often the paper would not be shred immediately, and would remain on the table for anyone in the room to see.
19. Per policy, the incarcerated person is allowed to compare the original and the copy. Destiny would often do this with the incarcerated person. This has the effect of forcing the incarcerated person to allow further intrusion into his privileged correspondence in order to ensure the copy of his legal mail is correct.

20. At the window, while comparing the original and the copy, she would flip through the originals again.

21. For each piece of mail, Destiny had several opportunities to look at the content of the letters, and spent significant time handling and looking at pages.

22. I was able to see the content of letters several times.

B. The First Legal Mail Photocopying I Witnessed Revealed Many Opportunities to Read the Incarcerated Person's Mail.

23. When I first arrived at the legal mail room, Destiny was copying an incarcerated person's legal mail. I did not see this piece of mail opened.

24. The incarcerated person was standing at the window while Destiny was copying his mail. His legal mail was a larger packet that I estimate included about 50 pages.

25. Destiny looked away for part of the time that the mail was being copied, but did watch some of the mail be fed through the copier.

26. When the copying was finished, Destiny asked the incarcerated person if he wanted to confirm that all pages were correctly copied.

27. Watching this occur, standing several feet away, I could see some of the content of the legal mail, which appeared to be a letter from an attorney and a court decision.

28. Destiny and the incarcerated person flipped through the pages together. At some point, it was determined that an error occurred in copying, and so Destiny re-copied the mail.

29. Destiny took back the originals and fanned through the originals, exposing much of the content to her.

30. When the copying was finished, Destiny asked the incarcerated person if he wanted to confirm that all pages were correctly copied.

31. At this time, Destiny had the first copy on top of the printer, face up and uncovered.
32. When the copying was finished, she began shredding.
33. As aforementioned, the shredder can only shred few pages at a time. Thus, each time paper was shredded, Destiny looked at the sheet on top of the stack of the few pages, and then watched the paper go through the shredder, and repeated the process. Each time pages were shredded, the content of the top page was potentially exposed to anyone who was in the mailroom.
34. In shredding this larger packet of paper a few pages at a time, several pages were completely exposed as they were placed into the shredder. In other words, if three pages were being shredded at a time, the top page would be exposed, and after those three pages were shredded, another two or three pages would be placed into the shredder at one time with the top page exposed.
35. While Destiny was shredding, an incarcerated person came to the door to speak to Destiny. Lt. Holley took over the shredding at this point. He shredded a few pages at a time, and like Destiny, watched the paper go through the shredder while looking at the pages as they were put into the shredder.
36. Then, Destiny and the incarcerated person reviewed the copy of the mail. The incarcerated person was satisfied that the copy was the same as the original, and he left, taking the copy with him.

C. The Second and Third Instances of Copying Legal Mail Were Also Intrusive.

37. The next incarcerated person came to pick up his legal mail.
38. Destiny asked if he wanted a copy of the envelope, and then stepped away from the door.

39. She opened the envelope in front of the copier, placing the envelope off to the side of the copier (on the table) and then after looking at the first page, began flipping through the pages of the document.

40. She put the document face up in the document feeder and created a copy.

41. The incarcerated person and Destiny compared the original and the copies to determine if the copying was correct. This took several minutes as the incarcerated person was slowly going through his document. During this time, Destiny kept flipping through the pages of the document. She did this several times. Finally, the incarcerated person indicated they were satisfied, walked away and Destiny began the shredding process, a few pages at a time.

42. Then, another incarcerated person came to the window to pick up his legal mail.

43. Destiny asked if he wanted his envelope copied and signed for his mail.

44. She looked at the top page, flipped through the pages, and copied the documents.

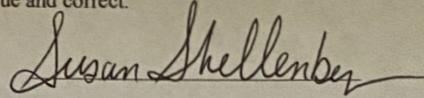
45. She asked the incarcerated person if he wanted to compare the original to the copy. The incarcerated person compared the original and the copy by himself at the door while Destiny watched standing next to the copier.

D. This Process Showed that the Legal Mail Policy Variance is Highly Intrusive Upon Privileged Correspondence.

46. Based on this experience, I believe that mailroom staff at Lebanon are reading legal mail during the process of copying and shredding, which takes several minutes to accomplish. This reading occurs as a natural result of frequently laying eyes on the mail for several seconds at a time, looking at individual pages as they are being copied or shredded, looking at pages to fix paper jams, fanning out pages, flipping through pages, and

sometimes looking at each individual page with an incarcerated person as they compare
the copies and originals.

I declare under penalty of perjury that the foregoing is true and correct.



Susan Shellenberger

Dated: 4/28/25